

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VALINDA LEE TOLLES,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 12-CV-14771
HON. GEORGE CARAM STEEH
MAG. JUDGE MONA K. MAJZOUB

ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [DOC. 23]

This matter is before the court on the parties' cross-motions for summary judgment as to plaintiff Valinda Tollles' claim for judicial review of defendant Commissioner of Social Security's decision that she is not entitled to social security disability and supplemental security income benefits. On September 23, 2013, Magistrate Judge Majzoub issued a report and recommendation recommending that plaintiff's motion for summary judgment be granted in part and denied in part and that defendant's motion for summary judgment be denied.

The court has reviewed the file, record, and magistrate judge's report and recommendation. Objections to that report have not been filed by either party and the time period for doing so has expired. The failure to file objections to a report and recommendation generally constitutes a waiver of the right to appeal the judgment of the district court. Thomas v. Arn, 474 U.S. 140, 155 (1985); Alspaugh v. McConnell, 643 F.3d 162, 166 (6th Cir. 2011). Accordingly,

IT IS HEREBY ORDERED that the court ACCEPTS and ADOPTS the magistrate judge's report and recommendation (Doc. 23).

IT IS FURTHER ORDERED that the Commissioner's motion for summary judgment (Doc. 21) hereby is DENIED and plaintiff's motion for summary judgment (Doc. 17) hereby is GRANTED IN PART and DENIED IN PART for the reasons set forth in the report and recommendation.

IT IS FURTHER ORDERED that this matter be remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings in consideration of plaintiff's moderate difficulties with concentration, persistence, or pace.

Dated: October 21, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 21, 2013, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk